

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CLINTON STRANGE,

Plaintiff,

vs.

PARTNERS IN HOME CARE, INC., a Montana domestic non-profit corporation; EMAILMEFORM, LLC, a California for profit limited liability company; and MICHAEL QUAN, in his role as CEO of EMAILMEFORM, LLC,

Defendants.

CV 18-155-M-DLC-JCL

ORDER

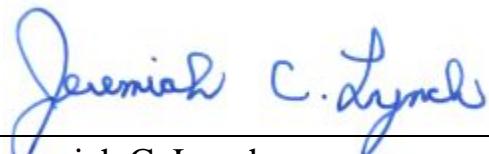
On November 6, 2018, Plaintiff Clinton Strange, appearing pro se, filed a motion requesting that Defendant Partners in Home Care, Inc., “the only remaining Defendant”, be dismissed with prejudice. (Doc. 13 at 2.) Partners in Home Care has not served either an answer or a motion for summary judgment in this action. Therefore, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) Strange is permitted to dismiss Partners in Home Care upon his filing of his notice requesting the dismissal. The dismissal is effected without an order of the Court and, therefore, his motion for the dismissal is unnecessary. Further, because Strange requests that

Partners in Home Care be dismissed with prejudice, his notice controls the character of the dismissal. Fed. R. Civ. P. 41(a)(1)(B).

On October 5, 2018, Defendant EMAILMEFORM, LLC filed its Waiver of Service of Summons. But because Strange states that Partners in Home Care is “the only remaining Defendant,” the Court construes his filing as a request to dismiss this entire action under authority of Fed. R. Civ. P. 41(a)(1)(A),

Based on the foregoing, the Clerk of Court is directed enter Partners in Home Care’s dismissal with prejudice pursuant to Strange’s November 6, 2018 filing. And the Clerk of Court is directed to enter Defendant EMAILMEFORM, LLC’s dismissal without prejudice, and to dismiss this action in its entirety pursuant to Strange’s November 6, 2018 filing. And IT IS ORDERED that Strange’s motion is DENIED as unnecessary and moot.

DATED this 7th day of November, 2018.



Jeremiah C. Lynch
United States Magistrate Judge